

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1728

Introduced by Assembly Member Houston

February 22, 2005

An act to amend Section ~~23140~~ 9853 of the Vehicle Code, relating to ~~vehicles~~ vessels, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1728, as amended, Houston. ~~Vehicles: driving under the influence; person under 21 years of age. Vessels: fees.~~

Existing law, in addition to other fees, imposes a \$5 fee upon the original registration of a vessel whose fee becomes due between January 1 and December 31 of an even-numbered year, and impose a \$10 fee upon the original registration of a vessel that become due, or is filed with the Department of Motor Vehicles, between December 1 and December 31 of an odd-numbered year.

This bill would increase the above fees to \$6 and \$12, respectively, and would require the department to increase the fees by 5% on January 1, 2010, and on January 1 of every 4th year thereafter. Because these fees are deposited in the Harbors and Watercraft Revolving Fund, a continuously appropriated fund, this bill would make an appropriation.

~~Existing law makes it unlawful for a person under the age of 21 years who has 0.05% or more, by weight, of alcohol in his or her blood to drive a vehicle.~~

~~This bill would make technical, nonsubstantive changes in the provision of existing law specified above.~~

Vote: $-\frac{2}{3}$. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 23140 of the Vehicle Code is amended~~
2 ~~to read:~~

3 ~~SECTION 1. Section 9853 of the Vehicle Code is amended to~~
4 ~~read:~~

5 9853. (a) The owner of each vessel requiring numbering by
6 this state shall file an initial application for a number with the
7 department or with an agent authorized by the department on
8 forms approved by the department. ~~Such~~ These forms shall be
9 prepared in cooperation with the Department of Boating and
10 Waterways. The application shall contain the true name and
11 address of the owner and of the legal owner, if any, and the hull
12 identification number of the vessel as may be required by the
13 department. The application shall be signed by the owner of the
14 vessel and shall be accompanied by a fee of nine dollars (\$9), in
15 addition to the fees required under subdivision (b), except that an
16 owner of a vessel registered outside this state who is submitting
17 an application for registration in this state shall pay a fee of
18 thirty-seven dollars (\$37), in addition to the fees required under
19 subdivision (b).

20 (b) (1) Whenever the fee for original registration of a vessel
21 becomes due between January 1 and December 31 of any
22 even-numbered year, the application shall be accompanied by a
23 fee of ~~five~~ *six* dollars ~~(\$5)~~ (\$6), in addition to any other fees that
24 are then due and payable.

25 (2) Whenever the fee for original registration of a vessel
26 becomes due, or is filed with the department, between December
27 1 and December 31 of any odd-numbered year, the application
28 shall be accompanied by a fee of ~~ten~~ *twelve* dollars ~~(\$10)~~ (\$12) in
29 addition to any other fees that are then due and payable.

30 (3) *The department shall increase by 5 percent the amount of*
31 ~~the fees collected under paragraphs (1) and (2) on January 1,~~
32 ~~2010, and on January 1 of every fourth year thereafter.~~

33 ~~23140. (a) It is unlawful for a person under the age of 21~~
34 ~~years who has 0.05 percent or more, by weight, of alcohol in his~~
35 ~~or her blood to drive a vehicle.~~

36 ~~(b) A person may be found to be in violation of subdivision (a)~~
37 ~~if the person was, at the time of driving, under the age of 21~~
38 ~~years and under the influence of, or affected by, an alcoholic~~

1 ~~beverage, regardless of whether a chemical test was made to~~
2 ~~determine that person's blood-alcohol concentration, if the trier~~
3 ~~of fact finds that the person had consumed an alcoholic beverage~~
4 ~~and was driving a vehicle while having a concentration of 0.05~~
5 ~~percent or more, by weight, of alcohol in his or her blood.~~

6 ~~(c) Notwithstanding any provision of law to the contrary, upon~~
7 ~~a finding that a person has violated this section, the clerk of the~~
8 ~~court, or judge if there is no clerk, shall prepare within 10 days~~
9 ~~after the finding and immediately forward to the department an~~
10 ~~abstract of the record of the court in which the finding is made.~~
11 ~~That abstract shall be a public record and available for public~~
12 ~~inspection in the same manner as other records reported under~~
13 ~~Section 1803.~~